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Mr. ANDERSON. Mr. President, I move the adoption of the conference report.

Mr. ALLOTT. Mr. President, I should like to make a few remarks concerning the bill. This action will terminate what has probably been one of the most controversial bills before the Congress. The effort to achieve this legislation has gone on for almost 8 years now.

I voted against the Senate version of the bill twice. I voted against it because I was opposed to giving the Secretary or the President, as the case may be, the right to administratively include certain lands and areas within provisions of the bill, thereby leaving Congress with only what in effect was a negative veto.

I am happy to say that the bill as it is now written contains the principle that Congress must act affirmatively, by statute, to incorporate new areas into the wilderness area.

I believe these remarks are necessary, because certain extreme people from time to time have misinterpreted my position. I have never at any time been opposed to the establishment of a wilderness system. My approach was originally based, upon the acceptance of a wilderness system, consisting of a little more than 8 million acres. With the designation later of the wilderness area in Idaho, that acreage was increased to a little more than 9 million acres. The fact that the Senate bill also included the possibility that the Secretaries of the Interior and Agriculture could have designated as much as 63 million acres, leaving only a veto power to Congress, which would be subject to a great many objections, caused me grave concern.

To the basic wilderness area as it was designated then and as it exists now I have never objected. We shall achieve a better and more rational wilderness system this way than we would have under the original provisions of S. 4.

I am also happy that the present bill incorporates features of multiple use that the other bill did not contemplate. I believe this will give a reasonable opportunity in the future to do two things. First of all, it will make it possible to accurately appraise the land that is now suitable for inclusion in the wilderness area, and allow Congress the opportunity to put it in the system and give Congress time to study it. Secondly, it will give impetus to the opportunity for natural resources development, particularly in the West, where nearly all of the proposed wilderness areas are located, to which the Western States are justly entitled.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. McNAMARA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAVERY-POT HOOK BOSTWICK PARK AND FRUITLAND MESA PROJECTS, COLORADO

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 3672, Calendar 1416 was passed earlier today.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, that it stand in adjournment until 10 o'clock tomorrow mornnig.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Oklahoma and I were engaged in a discussion of the Oklahoma situation and the effect of the Supreme Court decision on apportionment, which was made on June 19, 1964, affirming the district court decision on Oklahoma elections.

In the course of our discussion, the Senator from Oklahoma indicated that there was no guidance and no real direction available to the Oklahoma Legislature as to what the district court was talking about in 1962 when it told the legislature to reapportion.

I quote from the language of the court on August 3, 1962, in the case of Moss against Burkhardt:

The matter of forming legislative districts, either house or senate, among counties is left to the discretion of the legislature, under the pertinent provisions of the Constitution with respect to substantial numerical equality, compactness, and contiguity. In this connection, the memorandum and suggested order and decree, filed in this court on July 30, 1962, by the Honorable Fred Hansen, first assistant and acting attorney general, is recommended as a most helpful treatise, and contains a suggested order and decree which indicates a legislative apportionment for both houses, which has been studied by the court, and which is believed to meet the desired standards.

Mr. MONRONEY. The Senator is now quoting from the lower court decision, the three-judge Federal court, not the U.S. Supreme Court. Is that correct?

Mr. PROXMIRE. That is correct.

The legislature was told precisely and exactly what the court had in mind. There was no vagueness about it.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONRONEY. By the lower Federal court, that is.

Mr. PROXMIRE. Yes. It was told by the local Federal court, which is the only agency that could act under those circumstances, barring an appeal, and which could make this kind of direction.

The distinguished Senator from Oklahoma has argued with great force that Oklahoma really had no knowledge until the Supreme Court acted on June 22, 1964.

It is my contention that the State of Oklahoma had full knowledge. It was told clearly and in detail in 1962. It was told in most emphatic language in 1963. The promise was obtained in 1962. It was reviewed at the end of 1963. In February 1963 the Oklahoma Legislature acted. But how did it act? It apportioned the legislature in a way which was not in compliance with the Federal court order.

If no Federal district court but only the U.S. Supreme Court can give effective notice of any apportionment action, one can imagine how long it would take to obtain reapportionment in the various 50 States. The Oklahoma Legislature is not satisfied with the Supreme Court. This is not for the Oklahoma Legislature. They want to go to Congress. They want a super-Supreme Court.

They want Congress to set aside a decision by the Supreme Court. All of us may disagree with what the Supreme Court says, but once it acts, it seems to me, as good citizens, we have no recourse except to accept what the Court has said. Once we throw the umpire out of the ballgame, there can be no just decision, and we all know it.

Mr. MONRONEY. That would be true if there were no Supreme Court and if a sovereign State did not have the right to appeal to the Supreme Court in a situation governing a most fundamental States right that has been in existence since our entrance into the Union in 1907. Our county unit system of electing our legislature was approved by Congress when we were admitted as a State.

There had been no action to disallow this, until Oklahoma appealed to the Supreme Court of the United States, and the decision came down on June 22, 1964. It is true that we received notice 1 week earlier of what the Court's intent was in its decision of June 15; but I do not believe the Senator would want his State of Wisconsin, which he has the great honor to represent so well on the floor of the Senate, to suffer a major change in its entire apportionment philosophy on the basis of a lower court decision. That decision had no force or effect of law, because it had been appealed and had been stayed by the Supreme Court of the United States in February 1964, so that our elections could proceed. This was one of the purposes of the stay.

A short time before that, the State supreme court had issued a standby formula for use in our elections in case the Supreme Court stayed the inferior court's order.

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The Senator is arguing about the decision of one U.S. district court supporting the one-person, one-vote principle. But other district courts of the United States held differently in the reapportionment matter. So the question was unsettled and uncertain in the minds of many local authorities and many men who hold high rank and high position in our Federal Government. They themselves could not determine or guess or conjure up in their minds or read the thought waves concerning what the Supreme Court would finally decide, and finally did decide on June 15, 1964, after our two elections were over.

Oklahoma has not been treated fairly by the precipitate action of the lower court in directing the Governor of a sovereign State to call an election and telling him that he must use available State funds in the sum of \$330,000 for the cost of a new election. It did not tell him that Oklahoma was to observe ordinary Oklahoma election laws. The court ignored a fundamental State process calling for preferential primary and secondary primary elections.

I have been advised by the Legislative Reference Service that it knows of no case in history in which the Supreme Court has directed a State to vacate two statewide elections. It is without precedent. If the Senator wishes it to occur throughout America, so that citizens will no longer have the right to appeal to the Supreme Court, and have a stay to prevent action until the Supreme Court decides—he is privileged to choose that method.

Mr. PROXMIRE. I would put it exactly the other way. Of course, it should have the right to appeal to the Supreme Court.

Mr. MONRONEY. The State has an even greater right.

Mr. PROXMIRE. But once the Supreme Court has acted, there should not be any appeal to Congress to have the question decided, which is what the Dirksen amendment would do.

Mr. MONRONEY. The Senator is talking about a situation in a State he does not know enough about. There was no appeal to Congress from the legislature. I object on principle to the suspension by the Federal court of a Statewide election. I have had no official communication from the legislature. I have seen a few of its members as they have come through Washington; but no formal protest has been made to Congress.

I think the people of Oklahoma realize that Congress would have no objection to granting at least a reasonable time in which to comply with the decision that came down after the two elections had been held in Oklahoma. They feel it is their right, and I feel it is their right; when they amended their election laws and passed a constitutional amendment to give the reapportionment commission the right, if the legislature does not act to provide constitutional apportionment within 60 days after a session begins, to take up the case.

This is an improvement. We have made progress. We have a right as citizens—and I think the State also should

have the right—to arrange our affairs to comply with the Supreme Court decision.

Mr. PROXMIRE. I should like to read from a report of the Bureau of Government Research of the University of Oklahoma, made in April 1961. The bureau made a study of the history of apportionment in Oklahoma to show how necessary and desirable it was in terms of protecting the interests of American citizens for the courts to act. The fact is that this report goes back 43 years, to the time of the last remedy. It goes back 53 years to get the complete picture of what was at stake.

REAPPORTIONMENT, 1911

House: The reapportionment of house membership by the legislature complied fully with the plan established in the constitution. It respected the condition which provides that should the population of any county fail to equal one-half representation ratio (population of the State divided by 100) it shall be attached to an adjoining county for the purpose of making such county a part of a representation district. The application of this rule resulted in the establishment of Cimarron and Texas as a single representation district, and Harper was joined to Beaver County for the same purpose.

Senate: No reference to reapportionment of the Senate is made in the act of 1911.

There was a partial reapportionment later.

REAPPORTIONMENT, 1921

House: The legislature, in this instance also, complied with the constitutional formula. Two two-county districts (Cimarron and Texas, Beaver and Harper) were retained, and more populous counties were granted additional representation in the manner prescribed by the constitution.

Senate: No reference to the senate is made in this act. The original apportionment remained in effect, except for changes made in 1919.

In 1931 began the basis for the need for recourse to the Supreme Court.

House: In this act, the reapportionment of membership in the house, as well as in the senate, was made with little or no regard—

This is not a statement by the Senator from Wisconsin; it is a statement in the report of the Bureau of Research of the University of Oklahoma—

with little or no regard for the apportionment formula. Each county was granted a minimum of one member. The one-half representation ratio requirement was ignored. Oklahoma and Tulsa Counties were granted the maximum number (seven) which any county may elect.

Senate: This act makes no provision for reapportionment of the senate. However, in 1937, another new district was created.

REAPPORTIONMENT, 1941

House: Reapportionment in 1941 followed the pattern set in 1931. Counties, diminishing population notwithstanding, were granted a minimum of one representative.

In other words, Mr. President, malapportionment was continued and was aggravated as time went on.

Senate: Another partial reapportionment of the senate was effected in the act of 1941.

REAPPORTIONMENT, 1951

House: Legislation, in this instance, continued to disregard constitutional provisions regulating apportionment. The extent to which gross inequalities had developed are revealed in other sections of this study.

Senate: No reference to the senate was made in the Apportionment Act of 1951."

Mr. President, it was after this history or more than 30 years of repudiating its own State constitution that efforts were made to provide relief by Federal court action for American citizens who live in Oklahoma. It was then that the local Federal court decided it was desirable to act in the case of Moss against Burkhardt.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONRONEY. Twice, in October 1943 and in February 1952 the Oklahoma Supreme Court ruled that it lacked authority to force a legislature to act on reapportionment. In 1956, Federal Judges Murrah and Ritzley, with Judge Wallace dissenting, ruled that the Federal court had no right to intervene.

There was no remedy at court, either the State court or the local three-judge Federal court, to deal with the problem until the decision came down in 1962 in Baker against Carr.

So no matter how we look at it, no matter how we try to analyze the agitation, that is a State problem. I am sure the distinguished Senator from Wisconsin knows that we have been interested in this subject. It has been one of long discussion, long duration. There have been several votes of the people of the State on whether they want it reapportioned or not, and these proposals have been defeated. As late as September 1960, the people voted against reapportionment. Thus, until there was the assumption of Federal jurisdiction—and that is about all it amounted to—in 1962, there was no authority.

Oklahoma's constitution—and it is the constitution with which we came into the Union, and which was accepted by Congress, not knowing that the Supreme Court might someday establish Federal jurisdiction—limited the membership from any county to not more than seven.

Mr. PROXMIRE. Is it not true that in 1911 and 1921 the Oklahoma Legislature recognized that unless some smaller counties were attached to larger counties to make a more representative district, there would be malapportionment, and that the State did comply with that constitutional requirement in Oklahoma in 1911 and 1921, but has not done so since?

Has not the Oklahoma Legislature been in clear and conspicuous violation of the Oklahoma constitution for more than 30 years?

Mr. MONRONEY. I believe that is probably correct. This is one of the reasons we have malapportionment, and have had, because our predecessors wished to see all counties represented. We feel that it is important to a State, as large and as widespread as ours, for counties to have a voice in State government. It is the unit we deal with primarily at the State level, the school level, and in administering agricultural programs.

Mr. PROXMIRE. In Oklahoma, ever since 1931, when the legislature failed to apportion, the citizens of the State have been denied the protection of their own constitution, which had been complied with in 1911 and 1921. The State Supreme Court, as the Senator from

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Oklahoma has told us, in Jones against Freeman, decided that they did not have power to give protection to citizens in providing equality in voting for the State legislature, and that if they could not get recourse from the State legislature which the State supreme court said must apportion, they were out of luck. So the only recourse the citizen has is the Federal court.

Mr. MONRONEY. It is not only true on the legislature, it is also true in many States in congressional apportionment. I am very glad that the Supreme Court has taken jurisdiction of this matter. Certainly, it will help in a State as progressive as Wisconsin where the smallest district—the 10th District—in the U.S. Congress is less than half its largest district.

Mr. PROXMIRE. We have had apportionment in Wisconsin for the 1964 election. The old 9th District has been eliminated and the 10th District has been increased to include much of the 9th District, so that now Wisconsin has about as perfect a congressional apportionment as there is in the country. We did lag. There was a period of years when there was no apportionment, but the State of Wisconsin is now well apportioned for congressional as well as State legislative districts. I agree with the Senator from Oklahoma that the action of the Supreme Court has been helpful.

Mr. MONRONEY. The State of Wisconsin had a right to do it, which is another great thing, and is the thrust of my speech. I am seeking to preserve the right of the State of Oklahoma, having finally received the guidelines laid down on what apportionment should be, to have time to do it itself, rather than having it thrust upon it by a mandate from a three-judge Federal court.

Incidentally, this new districting proposal varied a great deal in composition from the one which the court in July 17, 1963, ordered us to adopt or suffer the consequences. So that within a little over a year, we see the ideal district line-up which the court had proposed in 1963, changed to another plan which the court now considers ideal.

This, I am pointing out, is a major change in the authority which States have historically had. A reasonable delay to enable us to comply is going to be quite important. If we do not accept some logical, reasonable, tempered delay to allow States to adjust to the Supreme Court's order, I am afraid that some of the action which we have seen in the other body as late as yesterday might be the recourse taken by Congress, or it could be the recourse that might lead to the submission of a constitutional amendment. These are principles dear to the hearts of States—to regulate their intimate affairs in the composition of their own legislatures. The Dirksen amendment will not override, overrule, or reverse the Supreme Court. It merely permits a reasonable amount of time, a deliberate delay, in order to give the States one last chance to comply with an order which was not known to anyone until it was announced by the Supreme Court on June 15 of this year.

Mr. PROXMIRE. Let me say to the Senator from Oklahoma that in my judgment the Dirksen amendment may override the action of a State legislature, as I have indicated earlier. I will read the clear language:

Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment or representation in a State legislature * * * is drawn in question, shall, upon application—

No alternative—"shall", as long as any member of the State legislature or anyone else applies—"shall stay the proceedings"—I am skipping some of the language—"for such period"—and the period is defined—"to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality."

That means, as I understand, since there has been adjudication in Michigan, Wisconsin, and a number of other States, that in those States, all the painful work we have already gone through to set up an election procedure, the apportionment we have achieved with such great pain and difficulty, and which has been finally agreed upon, would be thrown out. We would have to go back and candidates would have to file in new districts. Candidates for the State legislature in Wisconsin would have to file or have to run twice. The same thing may be true in other legislatures.

The Senator from Oklahoma is going to say that perhaps this does not apply where the State court has acted. That is the opinion of some lawyers. The lawyer who handled this case before the State supreme court is one of the most competent lawyers I have ever known. He said there is a real question about it. He does not know for a certainty. I understand that outstanding lawyers in Michigan also say that there is serious question in this matter.

Mr. MONRONEY. The Senator knows that a Federal court has not thrown out the reapportionment in his State. It has been approved by the State supreme court. There is a plan in being. This amendment is not going to upset the reapportionment which has occurred in his State.

Mr. PROXMIRE. What is the language? The language is:

Any court in the United States having jurisdiction of an action—

Certainly, the Federal court in the western district of Wisconsin or the eastern district of Wisconsin can have the same jurisdiction as the Federal court in Oklahoma had. It has jurisdiction—any court * * * shall upon application—

Shall stay the proceedings of the election for this period, and if the State is requested it means that the election must be conducted in accordance with the laws of the States in effect immediately preceding any adjudication of unconstitutionality.

I cannot read that any way except that we shall be in jeopardy. There is a saving clause, "in the absence of highly unusual circumstances." But would it apply to

Wisconsin? Who knows? I believe that if the Senator from Oklahoma is right in his debate today and I am wrong, the amendment which I have offered would, on line 15, page 2 of the amendment, add a "not" so that for the period necessary to permit an election of a representative before January 1, 1966, it would read, "shall not be deemed to be in the public interest in the absence of highly unusual circumstances," then one might argue that there are highly unusual circumstances in Oklahoma. Oklahoma has had an election. And under these circumstances, perhaps there would be a stay.

It we were to get the concurrence of the leaders on both sides, I would be willing to move ahead and have a vote, and perhaps thereby save the embarrassment for the State of Oklahoma which was mentioned by the Senator from Oklahoma.

Mr. MANSFIELD. Mr. President, what was the proposal?

Mr. MONRONEY. To adopt the amendment of the Senator from Wisconsin, which would change the language on line 15, page 2, so that instead of reading, "shall be deemed in the best interest in the light of highly unusual circumstances," would read, "shall not be deemed." This would reverse the whole thrust of the purpose of securing some delay so that the States would have the opportunity to express their own will.

Mr. MANSFIELD. The Senator offered that amendment and then withdrew it.

Mr. PROXMIRE. Yes. But I am telling the Senator from Oklahoma that if he will support me on this amendment and use his influence with the distinguished Senator from Montana, and persuade some of his Republican friends, along with the distinguished minority leader [Mr. DIRKSEN], to support the amendment, I shall do everything I can to persuade those who are with me now to move ahead for an immediate vote. I will act if we can get sufficient support to pass it. If we can pass it, we can get the bill out of the way, go home and save Oklahoma and Wisconsin. We shall all be happy.

Mr. MANSFIELD. Perhaps the Senator wants to put it in reverse. If the Senator from Oklahoma could persuade the Senator from Wisconsin to come around to our point of view, I am sure we could do that in a hurry.

Mr. MONRONEY. I cannot go along with the extreme interpretation of the Senator as to line 6, page 1, of the words, "any court of the United States." The language applies only to a Federal court. It could not mean any other court than a Federal court.

Mr. PROXMIRE. The Senator is correct. It means the Federal Court.

Mr. MONRONEY. Of course it does.

Mr. PROXMIRE. It means the Federal Court only.

Mr. MONRONEY. I do not believe the Supreme Court or any Federal district court will come in and upset the Wisconsin situation. But we object to being forced to do this, and to being the first State, that any research can show,

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where a Federal court has called off State elections of a general statewide nature.

Can the Senator give me any precedent for this?

Mr. PROXMIRE. There is great inconvenience in Oklahoma. There is no question about that.

Mr. MONRONEY. It is not the inconvenience that we complain about.

Mr. PROXMIRE. But the Governor of Oklahoma has set a special primary election using the redistricting plans of the bureau of government research. That election will take place on September 29, 1964.

If sometime in September we pass the Dirksen amendment, what effect will that have? Will three elections be held in Oklahoma under three loose interpretations?

Mr. MONRONEY. That is what we are afraid of.

Mr. PROXMIRE. That is why we should not pass the Dirksen amendment.

Mr. MONRONEY. The Governor was ordered to call the special election by the Federal Court. What right has the Federal Court to order the Governor of a sovereign State to call an election? This is a procedure that strikes at the comity of the Federal system. This has caused the people of Oklahoma—many of whom are in favor of apportionment—to complain about the power to upset the election, to destroy the terms of half of our State senate; to further prescribe the system under which we can hold an election; to tell the Governor that he must call it, and to tell the Governor what funds he must use to pay for the election.

These are prerogatives that belong to the State historically. We are asking in the Dirksen amendment for a stay of execution until we can approach this dispassionately, so that we might have a chance to arrive at our own redistricting.

We have a built-in system, in which if the legislature does not redistrict, the reapportionment commission must.

Certainly this delay is no less than any State is entitled to, and no less than the Congress, recognizing the duality of the State and Federal system, should grant.

Mr. PROXMIRE. We cannot get away from the practical fact that the Governor of Oklahoma has called an election. It is true that he was ordered to do so by the Court. He has been told to do so. He has no alternative. I believe this is a necessary occurrence to protect the rights of citizens. Whether anyone agrees with it or not, he has been ordered to hold an election. He will do so. The election will take place.

If the Dirksen amendment passes, it will bring real chaos to Oklahoma. I do not know what will be done. One election has been set aside. There will be another election on September 29. It would be much clearer if we should accept the situation as it is and permit one man, one vote—the fundamental principle which Thomas Jefferson espoused and which others who studied this in great detail espouse—and let that go into effect in our State legislatures. By doing so, we would avoid a most impractical situation in Oklahoma.

Mr. MONRONEY. The Senator is mixing two questions. One question is that of jamming into gear a new election which would be held under a system that is alien in the State of Oklahoma. Under ordinary procedure in the first and second primaries, the candidates must be majority candidates. They must win by more than 50 percent to represent their party. A sudden death primary is generally a primary held in the State when some member of the elective branch of the Government has died and one office is to be filled. It has never been used in a general election. By calling the sudden death primary, much of what the opponents are seeking to achieve in reapportionment is being destroyed. There will be minority representatives. A man who wins the election and runs as a party nominee will not be placed in this position because of a majority vote.

Mr. PROXMIRE. Does the Senator not believe that there will be an election held in Oklahoma on September 29, as ordered by the Governor?

Mr. MONRONEY. I cannot read the judge's mind as to what he wishes the State of Oklahoma to do. We shall have to wait until one man on the Supreme Court passes on the plea—that is being made now to the Supreme Court—to stay the order of the lower court directing the State of Oklahoma to hold an election, and validate the elections already held.

Mr. PROXMIRE. Now we come to the right course of action. This is the proper way to handle it. This is the way we seek to handle the problem. Oklahoma has gone to the Supreme Court to request a stay. It should abide by the Court's decision as everyone else in America does.

Mr. MONRONEY. We are doing that. One man makes this decision.

Mr. PROXMIRE. But to have Congress step in and intervene is to attempt to do something which we, as Congress, are not competent to do. We have not studied the question. It is unconstitutional to have the Congress of the United States tell the Supreme Court when and how it can execute an order. It makes no sense to the Senator from Wisconsin. Oklahoma should stay within the rules of the game and abide by the stay from the Supreme Court.

The Senator says that one Supreme Court Justice would grant the stay. Let him do it. But they should not come to Congress and say that Congress should now step in.

Mr. MONRONEY. I would rather trust the full Court than one Judge. I still feel it is in the interest of Congress, sitting as the legislative body of the United States, to express its will wisely and temperately, as it will do in this amendment. We are dealing not only with the State of Oklahoma. A stay might be granted in the case of the State of Oklahoma; but evils may arise in other States about which we do not yet know. For that reason I am for the amendment.

First. For a question of the importance of the one involved, sufficient time has not been allowed for the States to adjust

and to find exactly what is expected of them under the Supreme Court order.

Second. I do not think that a court has the right to suspend an election that is in progress or to suspend election laws forthwith;

Third. I believe that any reapportionment that is made, since a very great change of custom results, should be left to the will of the people who know the situation best. For that reason, I have felt that the Dirksen-Mansfield amendment is necessary. I hope that the Senate will get on with its business, and that this talkfest, in which distinguished Senators are now engaging, will end and we shall have at least some knowledge of what will happen in the election that faces the entire Nation within a short period of 2 months or so.

Mr. PROXMIRE. Oklahoma is a State whose legislature, since 1921, has not abided by its own constitution. Very clearly it has not. Under those circumstances it seems to me that the only recourse open to citizens of Oklahoma is to do what they have done: Ask for an order of the Supreme Court to give them an equal opportunity to elect their own legislature.

I should like to ask the distinguished Senator from Oklahoma if he does not honestly regard the amendment as a most grave and serious precedent for the Congress of the United States to stay, by congressional action, a Supreme Court decree. Does not the Senator from Oklahoma recognize that if we take such action in this apportionment case in 1964, in subsequent years we might act on some other question at any time when a majority of Members of the House or the Senate, in a moment of great popular turmoil might move in on the Supreme Court with the same kind of order and say to the Supreme Court that constitutional rights, sacred rights, shall be suspended? This is the gravest kind of interference with the Court, which is our final great protector of human rights.

Mr. MONRONEY. We must measure the degree of interference by the Congress. We should very calmly consider whether it would be in the public interest to furnish enough time to permit States to adjust their election system to the Supreme Court decision of June 15.

I believe it is in the public interest that the Senate agree to the amendment, and that time be allowed States so that legislatures can arrange to meet the constitutional test of the Court and to do their own job of reapportionment.

Furthermore, I believe that is the proper way to go about the question, and far preferable to the action taken by the other body, which deliberately denied jurisdiction over the question to the Supreme Court.

I am glad that the Senate, including the distinguished majority leader and the distinguished minority leader, have taken this course. I believe a disservice is being done to the cause of complying with what I conceive to be the clear language of the Court, which has said, "Go slow. Do not disrupt the elections. Give these people a chance."

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That is clearly specified in Justice Warren's opinion. The language of that opinion stands on all fours with the meaning of the Dirksen-Mansfield amendment. I can see no harm that would result by a decent period of time being allowed the States to comply. By the very terms of the amendment the States must comply with constitutional apportionment or the courts would by directive of Congress go forward and do so.

Mr. PROXMIRE. The Senator from Oklahoma is a fairminded and thoughtful man. I appreciate what he has said in his opposition to the Tuck bill. I presume that he is opposed to the Tuck bill. I believe that he thinks that the Dirksen-Mansfield amendment is a more moderate step.

Yet, I call his attention to a fundamental question which he has not yet answered. How about the very serious nature of the proposed action as a precedent for Congress to step in and stop Supreme Court decrees, Supreme Court decisions, which are designed to protect constitutional rights? If we take the proposed action in the present case, would that not be a big precedent, a precedent that we have rarely if ever had before in American history?

Mr. MONRONEY. Other efforts have been made by the Congress.

As I read the amendment, it is a very calm and temperate approach stating the public interest on this vast question. It is far more in line with our philosophy of government to take this step than the one which the courts have taken to suspend the elections now in progress and to reapportion States, without giving them an opportunity to reapportion themselves under the Supreme Court's latest order, and to declare vacant seats of Senators who in 1962 were elected with 4-year terms.

Those are dangerous precedents. Those are rules that will plague the country and the Court in the long run; for the Court's own sake I think this amendment is needed, because the consent of the governed is very important in making any kind of government work. We should give the States an opportunity without undue delay, to meet the latest pronouncement of the Supreme Court.

CONSTRUCTION OF LOWER TETON DIVISION OF TETON BASIN FEDERAL RECLAMATION PROJECT, IDAHO

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1123) to provide for the construction of the lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes, which was to strike out all after the enacting clause and insert:

That, in order to assist in the irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho, to provide facilities for river power opportunities created thereby and, as incidents to the foregoing purposes, to enhance recreational opportunities and provide for the conservation and development of fish and wildlife, the Secretary of the Interior is authorized to construct, op-

erate, and maintain the Lower Teton division of the Teton Basin Federal reclamation project. The principal engineering features of the said project shall be a dam and reservoir at the Fremont site, a pumping plant, powerplant, canals and water distribution facilities, ground water development, and related facilities in the upper Snake River Valley, Idaho. In the construction, operation, and maintenance of the said project and project works the Secretary shall be governed by the Federal Reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto). The project shall be operated consistent with the existing agreements as to storage rights in the Federal reclamation reservoirs in the upper Snake River Basin.

Sec. 2. The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block, or as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration.

Sec. 3. (a) The Secretary is authorized to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the division area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of division lands, facilities, and water areas in a manner coordinated with the other division functions. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of division lands or facilities, or to dispose of division lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange upon such terms and conditions as will best promote the development and operation of such lands and facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreation purposes.

(b) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other division functions.

Sec. 4. (a) The Secretary is authorized to amend contracts heretofore made under the Acts of September 30, 1950 (64 Stat. 1083), and of August 31, 1954 (68 Stat. 1026), whereby the water users assumed an obligation for winter power replacement based on the winter water savings program at the Minidoka powerplant to relieve the contractors ratably by one-third of that obligation, and to make new contracts under these Acts on a like basis. To the extent such annual obligations are reduced, the cost thereof shall be included in the cost to be absorbed by the power operations of the Federal Columbia River power system.

(b) The actual construction of the facilities herein authorized shall not be under-

taken until at least 80 per centum of the conservation capacity in Fremont Reservoir is under subscription, nor until negotiations have been undertaken in accordance with the provisions of (a) of this section.

(c) No construction shall be undertaken on facilities of the Lower Teton division which are required solely to provide a full water supply to lands in the Rexburg Bench area until the Secretary has submitted his report and finding of feasibility on this phase of the division to the President and to the Congress.

Sec. 5. There is hereby authorized to be appropriated for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, the sum of \$52,000,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said division.

Mr. CHURCH. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. ANDERSON, Mr. CHURCH, Mr. KUCHEL, and Mr. JORDAN of Idaho conferees on the part of the Senate.

WATERSHED PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA. Mr. President, in order that the Senate and other interested parties may be advised of various projects approved by the Committee on Public Works, I submit for inclusion in the CONGRESSIONAL RECORD, information on this matter:

Projects approved by the Committee on Public Works on August 20, 1964, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Congress, as amended

| Project | Estimated Federal cost |
|-------------------------------------|------------------------|
| Home Supply, Colo..... | \$903,868 |
| Beaverdam Creek, Ga..... | 1,361,465 |
| South Fork of Little River, Ga..... | 670,560 |
| Crabtree Creek, N.C..... | 4,023,930 |
| Four Mile Creek, Okla..... | 753,738 |
| Three and Twenty Creek, S.C..... | 974,450 |
| Total..... | 8,688,011 |

ST. STEPHEN'S DAY

Mr. KEATING. Mr. President, today is a very special day for the Hungarian people all over the world. It is a day set aside in honor of the first great king of Hungary, Stephen I. So extensive was this man's accomplishments in both ecclesiastical and governmental affairs and so large was his contribution to the development of Christianity in Hungary that he was canonized in 1073.

St. Stephen inherited the Hungarian throne from his father in 996. At that time there was no domestic order and the borders of Hungary were being challenged by the Karvars and other barbaric peoples. In a matter of years, Stephen brought order to this country and reorganized his state as a political and re-